

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAWN GUARINO GEDEON,)	CASE NO.: 4:22-CV-00441-BYP
)	
Plaintiff,)	JUDGE: BENITA PEARSON
)	
vs.)	<u>DEFENDANTS' MOTION FOR</u>
)	<u>EXTENSION OF CASE MANAGEMENT</u>
MICHELLE NICOLE FRENCHKO, et al.,)	<u>DEADLINES</u>
)	
Defendants.)	
)	

Now come Defendants, Michelle Nicole Frenchko and the Board of Trumbull County Commissioners, by and through counsel, and for the reasons set forth below, move for an extension of the following Case Management Deadlines:¹

Deadline:	Current:	Proposed:
Discovery deadline	November 4, 2022	February 3, 2023
Dispositive motion	December 9, 2022	March 10, 2023
Response	January 9, 2023	April 7, 2023
Reply	January 23, 2023	April 21, 2023

Defendants submit that the sheer volume of discovery provides good cause for the requested extension. First, even before the parties' case management conference, Defendants retained an e-discovery vendor to image and search for Defendants ESI. In August 2022, the e-discovery vendor imaged the business email accounts of all Commissioners, Commissioners'

¹ On September 22, 2022, in anticipation of the telephonic status conference set for September 28, 2022, Defendants requested Plaintiff's consent to a joint motion to extend case management deadlines. Defendants did not receive a response so they filed this motion on their own so the issue can be discussed during the status conference.

Office employees and HR representatives. This vendor also imaged the Commissioners' cell phones. Subsequently, the vendor searched all of the imaged documents based on a key word search provided by defense counsel. On August 22, 2022, defense counsel received access to the winnowed scope of documents, consisting of 40,000 discrete documents. Defendants have reviewed roughly 1/3 of the 40,000 documents, but it will take at least another six to eight weeks to complete that review. Second, once the initial review is complete, counsel will have to assess the identified documents for responsiveness and privilege, which will take additional time. Third, Plaintiff has not yet provided Defendants' counsel with authorizations for Plaintiff's medical/psychiatric records or her workers' compensation file as she committed to do in the parties' discovery plan. Defense counsel needs the authorizations to request the records (which she must have before deposing Plaintiff). Fourth, defense counsel wrote to Plaintiff's counsel the day after receiving Plaintiff's discovery responses without signed authorizations or any ESI. Defense counsel requested both and informed Plaintiff that if Plaintiff did not want to search her phone, she could produce it Defendants' vendor for searching. Defense counsel reiterated this request on September 15, 2022, but Plaintiff's counsel has not replied. Fifth, Defendants intend to subpoena the cell phones of all Commissioners' Office employees to conduct an ESI search of relevant information. All of these employees are represented by counsel and all of them (save one) have a pending lawsuit. Defendants will have to negotiate key words for each ESI search, allow time for that search, for the employee's counsel's review of the documents identified, and then for defense counsel's review. Sixth, Defendants anticipate that most, if not all, Commissioners' Office employees will have to be deposed. Seventh, if Plaintiff's claim for intentional infliction of emotional distress is not dismissed on motion, Defendants plan to notice a psychiatric examination

of Plaintiff. Defendants cannot make those arrangements until they have received all of Plaintiff's medical records.

WHEREFORE, for good cause shown, Defendants respectfully request that the Court adopt the proposed modified case management deadlines set forth above.

/s/ Kathleen M. Minahan.
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*Counsel for Defendants Michelle Nicole
Frenchko and Trumbull County Commissioners*

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2022, a copy of the foregoing Defendants' Motion for Extension of Case Management Deadlines was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Kathleen M. Minahan

KATHLEEN M. MINAHAN (0064989)

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*Counsel for Defendants Michelle Nicole Frenchko
and Trumbull County Commissioners*